

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Hjort et al.

Confirmation No: TBA

Serial No.: TBA

Group Art Unit: TBA

Filed: December 05, 2003

Examiner: TBA

For: Fungal Transcriptional Activator Useful In Methods for Producing Polypeptides

**INFORMATION DISCLOSURE STATEMENT (IDS) UNDER 37 CFR 1.97(b)**

Mail Stop DD  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants submit herewith references which may be material to the patentability of this application and with respect to which there may be a duty to disclose. While the references may be material under 37 C.F.R. 1.56, it is not intended to constitute an admission that the references are prior art. The filing of this IDS shall not be construed as a representation that no other material references than those listed exist or that a search has been conducted.

The references are listed in Form PTO/SB/08A, which is in accordance with the requirements of M.P.E.P. 609. A copy of the references was filed in US application no. 09/411,925 filed October 4, 1999, the benefit of which is claimed under 35 USC 120. It is respectfully requested that these references be considered by the USPTO in its examination of the above-identified application and be made of record therein.

This IDS is being filed **within** three months of the filing date of a national application or date of entry into the national stage of an international application, or **before** the mailing date of a first Office action on the merits, or **before** the mailing date of a first Office action after the filing of a request for continued examination. Therefore, no fee is due.

Respectfully submitted,

Date: December 5, 2003

A handwritten signature in black ink, appearing to read "Elias J. Lambiris", written over a horizontal line.

Elias J. Lambiris, Reg. No. 33,728  
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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	TBA
				Filing Date	December 05, 2003
				First Named Inventor	Hjort et al.
				Art Unit	<del>TBA</del> 1636
Sheet	1	of	2	Examiner Name	<del>TBA</del> J. Ketter
				Attorney Docket Number	5555.410-US

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US 6007988	12/28/1999	Yen et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		WO 90/00192	01/11/1990	Berka et al.		
		WO 98/12300	03/26/1998	Lehmbeck		
		WO 97/12045	04/03/1997	Bishop et al.		
		EP 0 574 347	12/15/1993	Hjort et al.		
		WO 95/35385	12/28/1995	Christensen et al.		
		EP 327797	08/16/1989	Wolf et al.		
		WO 97/35956	10/02/1997	Lehmbeck		

Examiner Signature	/James Ketter/	Date Considered	04/26/2008
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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				Art Unit	TBA
Examiner Name	TBA				
Sheet	2	of	2	Attorney Docket Number	5555.410-US

<b>OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS</b>			
Examiner's Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume- issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		Dhawale et al., Oxford University Press, Nucleic Acids Research, Vol. 21, No. 24, pp. 5537-5546 (1993)	
		Mattern et al., Mol. Gen. Genet, Vol. 234, pp. 332-336 (1992)	
		Swiss-Prot database, accession no. P38114, Entian et al., "Putative 126.9 KD Transcriptional Regulatory Protein in YSW1-RIB7 intergenic region", see a.a. pp. 106-142 (101/1/94)	
		Swiss-Prot database, accession no. P39529, Purnelle et al., "Putative 86.7 KD Transcriptional Regulatory Protein in Nuc1-Nce1 intergenic region"; and Yeast Vol. 10, pp. 1235-1249 (1994), see a.a. 45-76	
		Swiss-Prot database, accession no. P28348, Burger et al., "Nitrogen Assimilation Transcription Factor NIRA"; and Mol. Cell. Biol. Vol. 11, pp. 5746-5755 (1991)	
		Swiss-Prot database, accession no. P87000, Bibbins et al., "Transcriptional activator protein ACU-15" (1997) .	
		Van Den Hambergh et al., Current Genetics, Vol. 32, Part 1, pgs. 73-81 (1997)	
		Van Den Hambergh et al., Trends in Biotechnology, Vol. 15, Part 17, pgs. 256-263, (1997)	
		Burger et al., Molecular and Cellular Biology, pgs 5746-5755 (1991)	

Examiner Signature	/James Ketter/	Date Considered	04/26/2008
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